

June 15, 2009

TO: Dave Pardy, Senior Field Representative
Washington Federation of State Employees (WFSE)

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Daniel Ferris vs. Department of Labor & Industries (LNI)
Allocation Review Request ALLO-08-023

On April 1, 2009, I conducted a Director's review telephone conference regarding the allocation of Daniel Ferris's position. Present during the conference were you and Mr. Ferris; Sandi LaPalm, Human Resource Manager, representing LNI; and Anna Warner, Information Technology Manager for Insurance Services at LNI.

Director's Determination

This position review was based on the work performed for the six-month period prior to November 5, 2007, the date the Human Resources (HR) Office received a Position Description Form (PDF) requesting reallocation of Mr. Ferris's position. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Ferris's assigned duties and responsibilities, I conclude his position is properly allocated to the Information Technology Specialist 3 (ITS 3) classification.

Background

Mr. Ferris performs information technology (IT) work in the Office of the Medical Director (OMD). The OMD is comprised of medical doctors, research staff, and policy writers who set medical policies for the Workers' Compensation Program. A PDF for Mr. Ferris's position (#2927) was submitted to the HR Office on November 5, 2007 (Exhibit B-2). The PDF served as a request to reallocate Mr. Ferris's position from an Information Technology Specialist 2 (ITS 2) to the Information Technology Specialist 4 (ITS 4) classification. Mr. Ferris, his supervisor, Medical Administrator Neal Schanbeck, and Medical Director Gary Franklin signed the PDF. Human Resource Consultants Cindy Lowe Vega and BJ Matthews subsequently conducted a position audit. Because Mr. Ferris had concerns about the position audit, Ms. LaPalm had a follow-up meeting with him on February 28, 2008. On February 29, 2008, Ms.

LaPalm issued an allocation decision, concluding Mr. Ferris's assigned duties had expanded and fit within the ITS 3 classification.

On March 26, 2008, the Department of Personnel received Mr. Ferris's request for a Director's review of LNI's allocation determination. A Director's review conference was originally scheduled for December 18, 2008, and later rescheduled to January 20, 2009. On January 20, 2009, you provided a packet of Mr. Ferris's exhibits (Exhibit C). The packet contained documents not previously reviewed by LNI. As a result, the conference was rescheduled to April 1, 2009, to allow time to review the exhibit packet. Mr. Ferris's exhibits included a Position Review Request completed after he filed his request for a Director's review, signed by Mr. Ferris on March 28, 2008, and his supervisor at that time, Sandra Mugartegui, on April 3, 2008. The packet also included a memo from Mr. Ferris to Eva Santos, Director of Department of Personnel, dated March 21, 2008. I considered the March 28, 2008 Position Review Request and March 21, 2008 memo as addendums to Mr. Ferris's Director's Review Request form, which references attached documentation.

Summary of Mr. Ferris's Perspective

Mr. Ferris asserts that since November 2006 his position has taken on complex IT tasks, including interactive web applications and the creation of stand-alone websites. Mr. Ferris states that his previous supervisor, Sandy Rains, recognized he was performing higher-level duties and supported reallocation. Mr. Ferris explains that in March 2007, the Office of the Medical Director (OMD) hired a Medical Administrator, Neal Schanbeck, who then became his supervisor. Mr. Ferris states Mr. Schanbeck was his supervisor from March 2007 through December 2007 and Ms. Rains (Mugartegui) became his supervisor again after that time period. Mr. Ferris contends LNI's allocation decision was based on false information provided primarily by Mr. Schanbeck and also from IT staff in Insurance Services. As a result, Mr. Ferris alleges the allocation letter was removed from his personnel file (Exhibit C-7). Mr. Ferris contends his position serves as the IT Manager within the OMD and he has been tasked with independently designing complex online systems and specialized interfaces related to online interactive training accessed by providers worldwide. Therefore, Mr. Ferris describes the website projects assigned to his position as major projects having significant impact. In addition, Mr. Ferris states that he independently plans, consults, designs, implements, and manages databases essential to the work of the OMD. Mr. Ferris contends the higher-level duties and responsibilities assigned to his position meet the requirements of the ITS 4 classification.

Summary of LNI's Reasoning

LNI acknowledges Mr. Ferris's position is the only one in the OMD providing technical support. LNI agrees Mr. Ferris has responsibility for interagency website duties, including stand-alone sites providing information about health care guidelines accessed by medical providers and other interested parties. LNI also recognizes the work Mr. Ferris performs is important and that he is well liked by his customers and managers in the OMD. However, LNI contends the majority of his assigned work fits within the ITS 2 and 3 classifications, with the level of responsibility involving the interagency websites making the ITS 3 the appropriate fit. LNI disagrees that false information was provided during LNI's position review and emphasizes the allocation decision was based on the duties and responsibilities detailed in the Position

Description Form. LNI notes the PDF was signed by Mr. Ferris, Mr. Schanbeck, and the OMD Director, Dr. Gary Franklin. LNI clarifies that Ms. LaPalm agreed to remove the allocation letter from Mr. Ferris's personnel file, which may be viewed for hiring purposes, and place it in his payroll file. However, LNI contends the letter's removal was not the result of allegations regarding false statements. LNI asserts the projects assigned to Mr. Ferris's position support small databases and websites for the OMD and related interagency committees and the impact reaches a very specific group. LNI indicates Mr. Ferris works within established procedures and standards for web development. LNI notes the OMD is one of many smaller programs within the Insurance Services Division, which has an IT Unit handling more complex tasks. LNI contends the ITS 3 is the appropriate classification.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Both the Personnel Appeals Board and the Personnel Resources Board have held that because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000). The Position Description Form (PDF) replaced the classification questionnaire.

Duties and Responsibilities

In this case, the Position Description Form (PDF) was the document prompting the reallocation request for Mr. Ferris's position. This was signed by Mr. Ferris, his supervisor at the time, Medical Administrator Neal Schanbeck, and Dr. Gary Franklin as the Medical Director. The Position Objective, as described on the PDF, is summarized as follows:

This position is responsible for the oversight of all aspects of information technology systems utilized by the Office of the Medical Director, including:

- Creation and management of various stand-alone websites;
- Interactive web-based on-line applications;
- Various complex databases specific to OMD;
- Coding, testing, and implementing a bi-monthly newsletter sent to divisions and the Director's office;
- Key position in creating innovative technologies to link, inform, and train statewide and national providers and interested parties on important ongoing research and medical treatment guideline development;

- Support unit goals to prevent disability and provide quality healthcare to injured and ill workers.

Specifically, the duties and responsibilities are summarized as follows:

- 35% Develop, code, test and implement complex multi-agency websites for interagency groups and committees, which include: Agency Medical Directors Group (AMDG); Industrial Insurance Medical Advisory Committee (IIMAC); and Industrial Insurance Chiropractic Advisory Committee (IICAC). Responsibility for the daily management of content and regular monitoring of site performance, including data analysis, conducting traffic studies, and analyzing trends, data and statistics, making adjustments, and providing reports as needed.

During the Director's review conference, Mr. Ferris indicated that the other state agencies participating in the above groups and committees include the Department of Social and Health Services; Department of Corrections; Office of the Insurance Commissioner; Department of Health; Health Care Authority; and Department of Veterans Affairs. The stand-alone websites are housed on a Department of Information Services server.

- 30% Designs and constructs complex online systems and specialized interfaces, such as the CME Online Interactive Training. Duties include system modeling, mapping, and system connectivity, as well as maintaining a data repository with design and development of applications to view data. Train and assist staff in using the repository and provide *ad hoc* reports. Develop online training to meet the needs of the AMDG group and other customers for continuing education credits. This requires the ability to independently research innovative approaches to meet customer needs (AMDG and others) by applying various web programming languages such as ASP, SQL, and Visual Basic.

During the Director's review conference, Ms. LaPalm indicated that the above duties totaling 65% relate to website support. Mr. Ferris agreed that the majority of his assigned work involves maintaining the website and online applications. Mr. Ferris further explained that he uses Dreamweaver and other HTML software to create websites, and he uses various applications to perform the primary tasks. He indicated that he meets with members of the AMDG to find out their needs and develops online applications such as online tests to help providers become aware of issues like proper dosage of pain medication. As an example, Mr. Ferris stated he developed a calculator for the site that allowed providers to calculate correct amounts.

Mr. Ferris indicated he has responsibility for daily management of the AMDG site and that group members provide information to him to upload to the site. Mr. Ferris stated he has responsibility for programming information in DOT ASP or HTML and creating the graphics and how the information will be displayed. He also indicated that he runs reports monthly to analyze the number of visitors to the site and number of clicks on a particular application and provides reports to the Medical Director and other AMDG staff indicating an interest. Mr. Ferris ensures all links are working properly and downloads occur in the correct amount of time. Ms. LaPalm noted that Mr. Ferris interacts with interagency and external entities and

serves as a webmaster. Ms. LaPalm pointed out that Mr. Ferris created the site calculator in Excel and added it to the site for uploading. She also noted that SQL and Access databases run in the background and Mr. Ferris uses DOT ASP to make it work. Mr. Ferris agreed the databases operate in the background. As an example, Mr. Ferris stated that an Access database serves as a data repository collecting answers to online test questions from the providers and the database then calculates the score to determine whether the provider passed the test.

The remainder of Mr. Ferris's duties described on the PDF includes managing various databases within the OMD and testing and evaluating new software/hardware to determine effectiveness and usability within OMD. The Access databases include tracking information for Occupational Nurse Consultants, for OMD incoming/outgoing referrals, for consultants and medical transcriptionist to track incoming/outgoing referrals, and a utilization review tracking system. Ms. LaPalm described the databases as very helpful tracking systems but pointed out they are used solely within the OMD. Mr. Ferris also described an interactive newsletter he created and sent through email containing important links pertaining to the OMD. The newsletter is identified as 2.5% of Mr. Ferris's assigned work on the PDF.

The IT Manager within the Insurance Services Division, Anna Warner, also participated in the conference. Ms. Warner explained that her unit oversees all aspects of IT within the division. She also indicated that Mr. Ferris has interaction with her staff. As an example, Ms. Warner stated that her staff downloads software onto encrypted laptops used in OMD, and Mr. Ferris agreed. Ms. Warner also pointed out that her staff has authorization for security functions like certain passwords not available to others in the OMD, including Mr. Ferris. Mr. Ferris agreed he does not have the authority to install certain software and those functions reside with the IT unit. Ms. Warner further stated that testing and evaluating of new hardware and software for usability purposes resides with the IT unit. Both Ms. Warner and Mr. Ferris agreed that Mr. Ferris can provide recommendations. Mr. Ferris also pointed out that he does have authority for some software on the AMGD site, and Ms. Warner agreed he manages licenses for a small percentage of software related to his group.

Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. Mr. Ferris's position fits within the IT category concept, which broadly describes positions in one or more information technology disciplines. Some of the IT functions may overlap from class to class; however, the definition identifies the level of work assigned to each class.

The **Information Technology Specialist 4 definition** reads as follows:

Performs analysis, system design, acquisition, installation, maintenance, programming, project management, quality assurance, troubleshooting, problem resolution, and/or consulting tasks for complex computing system, application, data access/retrieval, multi-functional databases or database management systems, telecommunication, project or operational problems.

As a senior-level specialist in an assigned area of responsibility and/or as a team or project leader, applies advanced technical knowledge and considerable discretion to evaluate and resolve complex tasks such as planning and directing large-scale projects; conducting capacity planning; designing multiple-server systems; directing or facilitating the installation of complex systems, hardware, software, application interfaces, or applications; developing and implementing quality assurance testing and performance monitoring; planning, administering, and coordinating organization-wide information technology training; acting as a liaison on the development of applications; representing institution-wide computing and/or telecommunication standards and philosophy at meetings; or developing security policies and standards.

Incumbents understand the customer's business from the perspective of a senior business person and are conversant in the customer's business language. Projects assigned to this level impact geographical groupings of offices/facilities, and/or regional, divisional, or multiple business units with multiple functions. The majority of tasks performed have wide-area impact, integrate new technology, and/or affect how the mission is accomplished.

Mr. Ferris is assigned IT duties and responsibilities as they relate to the OMD, which is a program within the Insurance Services Division. The IT unit within the same division has oversight regarding all aspects of IT within the division. Mr. Ferris's position has not been delegated the authority to perform certain functions at this level. For example, Mr. Ferris agrees his position does not have the authority to load certain software programs on PCs in the OMD and that the IT unit retains the authority to perform administrative tasks. Additionally, projects assigned to ITS 4 level positions impact geographical groupings of offices or facilities and/or regional, divisional, or multiple business units with multiple functions.

In previous decisions by the Personnel Resource Board (PRB), the Board held the Appellants were properly allocated to the ITS4 classification, in part, because they worked on projects that impacted multiple business units with multiple functions and that had wide-area impact, integrated new technology, and affected how the mission of the organization was accomplished. Pogue and Goshorn v. Dept. of Labor and Industries, PRB Case Nos. R-ALLO-07-017 and R-ALLO-07-018 (2008). The Board affirmed this stance in a case where the Appellant worked in Library Services at a university, performing IT duties in support of library systems. The Board concluded that although all of the university's divisions may have access to the systems, he did not perform work at a level that greatly impacted multiple business areas with multiple systems across campus. Additionally, the majority of work performed impacted the goals and mission of the library. While services to academic departments may be affected in the event library servers were unavailable, the operations of the university as a whole would continue to function. McNeely v. Western Washington University, PRB Case No. R-ALLO-08-011 (2008).

Similar to McNeely, Mr. Ferris's assigned work impacts the goals and mission of the OMD and by extension the interagency groups like the AMG. The majority of Mr. Ferris's duties involve website design and maintenance. It is clear his work provides a valuable resource to medical providers and others in the medical field. While I recognize the websites created by Mr. Ferris may be viewed by a large audience, his assignments impact a single business function within

the organization. Further, the overall complexity of tasks and responsibilities assigned to Mr. Ferris's position do not reach the level envisioned in the ITS 4 classification.

The **Information Technology Specialist 3 definition** reads as follows:

In support of information systems and users in an assigned area of responsibility, independently performs consulting, designing, programming, installation, maintenance, quality assurance, troubleshooting and/or technical support for applications, hardware and software products, databases, database management systems, support products, network infrastructure equipment, or telecommunications infrastructure, software or hardware.

Uses established work procedures and innovative approaches to complete assignments and coordinate projects such as conducting needs assessments; leading projects; creating installation plans; analyzing and correcting network malfunctions; serving as system administrator; monitoring or enhancing operating environments; or supporting, maintaining and enhancing existing applications.

The majority of assignments and projects are moderate in size and impact an agency division or large workgroup or single business function; or internal or satellite operations, multiple users, or more than one group. Consults with higher-level technical staff to resolve complex problems.

While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification. Though not exact, some typical ITS 3 work examples similar to the level and scope of responsibly assigned to Mr. Ferris's position include:

- Conducting needs assessments, requirements analysis and evaluating products for applications technologies that may be applied to a division, large work group, or single business unit's requirements. Follows structured processes to determine requirements;
- Leading moderately sized projects. Developing project charter and plan, setting and maintaining project schedule, coordinating design, maintenance, and testing. Ensuring standards are met (quality assurance), developing and implementing communications strategy. This may include system modeling, initial database design, system mapping and system connectivity;
- Customizing off-the-shelf applications and coordinating work;
- Creating and supporting processing environments (e.g. test, demo, and production). Orienting users on functionality and managing software licenses (in this case limited software licenses);
- Identifying moderate operational problems that impact one division or large work group or single business function.
- Monitoring and enhancing operating environments to ensure optimal performance.
- Providing maintenance and operations support for applications.
- Supporting, maintaining and enhancing existing applications that generally impact one division, or large work group or single business unit.

Mr. Ferris's website duties and responsibilities fit within the ITS 3 classification. A position's allocation does not diminish the quality of work performed and is not a reflection of performance. Rather, an allocation is based on the majority of work assigned to a position. The ITS 3 is the appropriate classification for Mr. Ferris's position (#2927).

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

Please note the following Director's Review Program and Personnel Resources Board Location Change:

June 26 through July 3 the offices of the Director's Review Program and Personnel Resources Board Appeals Program will be moving to the Department of Personnel building located at 600 South Franklin in Olympia. Starting June 26, 2009, the main phone number for the two programs will be **360-664-0388** and all requests for Director's Reviews and appeals to the Personnel Resources Board must be filed:

In person at:

**600 South Franklin
Olympia, WA 98504-7530**

OR

By mail at: (unchanged)

**Mail Stop 40911
Olympia, WA 98504-0911**

The fax number remains the same - **360-753-0139**.

If no further action is taken, the Director's determination becomes final.

c: Daniel Ferris
Sandi LaPalm, LNI
Lisa Skriletz, DOP

Enclosure: List of Exhibits

List of Exhibits

A. Filed by Daniel Ferris March 26, 2008:

1. Director's Review Form.
2. Allocation determination letter, February 29, 2008.

B. Filed by LNI June 11, 2008:

1. The Allocation determination letter dated February 29, 2008
2. Position Description Form date stamped November 5, 2007
3. Organizational Charts showing the organizational structure from the Director to position 2927
4. Classification Specs used for allocation determination:
 - a) Information Technology Specialist 2
 - b) Information Technology Specialist 3
 - c) Information Technology Specialist 4
5. Previous position description reallocating position 2927 from Office Assistant 3 to Information Technology Specialist 2 dated April 3, 2006.

C. WFSE filed on January 20, 2009 for Ferris

1. Directors Review Request
 - a. Position Review Request—signed March 28, 2008 (considered an addendum to Director's review request).
 - b. Letter to Eva Santos from Daniel Ferris dated March 21, 2008 (considered an addendum to Director's review request).

Attachments

1. Letter from LNI to Mr. Ferris dated February 29, 2008
2. Safety & Health Security incident report dated 12/21/2007
3. Reallocation request / Review of position PDF
4. Desk Audit
 - a. Desk Audit February 4, 2008
 - b. Desk Audit concerns February 5, 2008
5. Feb. 29, 2008 email from Danny Ferris to Sandi LaPalm. Subject: Announcing the new L & I online educational tools and videos webpage
6. Feb. 22, 2008 email from Danny Ferris to Anna Warner. Subject: Printer for Dr. Mootz
7. March 17, 2008 email correspondence between Sandy Mugartegui and Brad McGarvie. Subject Danny's scope of work – reallocation letter.
8. Job analysis record (created after review period and LNI's allocation decision; unsigned. Outside of scope)

9. Job analysis summary (created by Danny Ferris after review period and LNI's allocation decision. Beyond scope of Director's review; however, considered as part of Danny's description of his duties—his illustration)
10. Document created by Danny Ferris to illustrate his viewpoint regarding the comparison of classes.
11. Current PDF (created after review period—undated and unsigned)
12. January 17, 2008 email regarding assignment of work (beyond this review period - outside of scope)